

**FILED**

APR 14 2014

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY \_\_\_\_\_ DEP CLK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

ANTHONY E. WHITE, )  
Plaintiff, )  
v. ) Case No. 5:13-cv-00684-F  
CATERPILLAR LOGISTICS INC. ) MOTION TO ENTER AND GRANT  
Defendant. ) DEFAULT JUDGEMENT

**PLAINTIFF'S REVISED MOTION TO ENTER AND GRANT JUDGEMENT BY  
DEFAULT RULE 55**

Plaintiff (Anthony White) ask before the honorable Clerk of Court to enter and grant Default law Rule 55 default against Defendant (Caterpillar Logistics Inc) for failure to answer or plead to (doc 4) within the required timeframe. Plaintiff served the defendant with a civil summons and a copy of the complaint required by law within the required timeframe. The defendant did not respond in time to the plaintiff's complaint. The defendant received summons to serve (doc 5) at Caterpillar Logistics Headquarters 100 N.E. Adams Street Peoria, Illinois 61629 accepted by company agent (doc 10) on 21 October 2013 which, the time began on 22 October 2013 the defendant didn't respond nor answer (doc 11) until 12 November 2013 (22 days after). Also the defendant received summons to serve (doc 5) at Caterpillar Logistics Facility 954 State Hwy 42 Clayton, North Carolina 27527 accepted by company agent (doc 10) on 18 October 2013 which the time began on 19 October 2013 the defendant didn't respond nor answer (doc 11) until 12 November 2013 (24 days after). The defendants didn't request for waiver so the time began after the company agents signed. Summons clearly states (Doc 5) *Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States agency or an offer or employee of the United States*

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*described in Fed R. Civ P. 12(a)(2) or(3)—you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal rules of Civil Procedure. If you fail to respond judgment by default will be entered against you for the relief demanded in the complaint.*

The Plaintiff filed a legal civil lawsuit within the required timeframe. If the Plaintiff didn't file within 90 days from the date of Letter to Suit the Plaintiff (Anthony White) would of lost his rights to file a lawsuit against the defendant by law. The law would be forced thoroughly to the Plaintiff if it was (1 day late) I would not been eligible to file, Plaintiff request the same rules and laws are applied to the defendant for not answering or pleading within a required timeframe. Plaintiff provided service of the process summon and copy of complaint on the defendant the date of service as appears from the return of the process, and that the time within which the defendant may answer or otherwise move as to the complaint, counterclaim, cross-claim, or third-party complaint which, expired after 11:59pm on 11 November 2013.

The defendant had a clear amount of time to file a motion for an extension of time to perform an act required or allowed to be done within a specified time the defendant must show good cause, prior consultation with opposing party *Pro Se Plaintiff*. The defendant never communicated to Plaintiff about a extension nor did they apply for one with the courts until Plaintiff requested entry of default by judgment.

Plaintiff is requesting the court will set a hearing for the plaintiff to discuss total amount of relief owed and schedule date for defendant to pay total relief amount. Plaintiff is requesting that the courts make the Plaintiff whole. I (Anthony White) would of made a positive impact to the company if I had a honest chance. Based from my 15 years in the Logistics and Operations Industry plus my

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Bachelors in Business Administration majoring in Operations Management I was well on my way for great success, which has been striped from me.

Conclusion:

Support for default judgment:

- A. **The defendant has failed twice (doc 4) and (doc 13) to respond to the plaintiff's complaint. The defendant received summons to serve (doc 10) on (21 October 2013) which the time began on (22 October 2013) the defendant didn't respond or answer (doc 11) to (doc 4) until (12 November 2013) (22 days) after.**
- B. **The defendant received summons to serve (doc 10) on (18 October 2013) which the time began on (19 October 2013) the defendant didn't respond or answer (doc 11) to (doc 4) until (12 November 2013) (24 days) after.**
- C. The defendant failed to file a financial disclosure statement with the Answer and Affirmative defense responds and Notice of Appearance as required Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.3. **Defendant filed financial disclosure late as well.**
- D. **The defendant lacks a defense for this case. The defendant hasn't shown any evidence to defend their case to indicate the harassment, retaliation and discriminatory acts didn't occur in their facility.**
- E. The defendant failed to take effective action to improve the hostile work environment to correct their actions.
- F. The plaintiff made numerous internal complaints to the defendant's management team about the discomfort from the harassment, retaliation, and discriminatory acts.
- G. The plaintiff provided the court along with the defendant with accurate documents, emails, and conversations.
  
- H. The defendant has neglected the Law of the courts by not responding on time just as the defendant neglected the Plaintiff's complaints asking for change in the work place. The defendant have handled this civil lawsuit with careless actions, that shows the lack of

defendant have handled this civil lawsuit with careless actions, that shows the lack of respect by not obeying the timeframes enforced by this court system, the local law and the Federal Rule Procedures that apply.

Default may be served on the Defendant (Caterpillar Inc. & Caterpillar Logistics Inc) at 100 N.E. Adams Street Peoria, IL 61629 & 954 State Highway 42 Clayton, NC 27527

Punitive damages	\$550,000
Emotional damages	\$350,000
Pain and Suffering damages	\$350,000
Character Assassination	\$350,000
Past and Future wage loss	\$400,000
Total amount of relief	<u>\$2,000,000.00</u>

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UNITED STATES DISTRICT COURT

Eastern District <sup>for the</sup> of North Carolina  
Western Division

White, Anthony E.

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Plaintiff(s)

v.

Caterpillar Inc.

Civil Action No. 5:13-CV-684-F

Defendant(s)

)  
)  
)  
)  
)

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)

Caterpillar Inc. Headquarters  
100 N.E. Adams Street  
Peoria, IL 61629

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

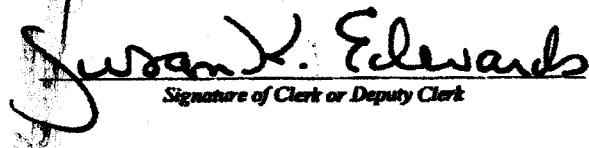
Anthony E. White  
103 Rock River Road  
Morrisville, NC 27560

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JULIA A. RICHARDS, CLERK

CLERK OF COURT

Date: 10/7/13

  
Signature of Clerk or Deputy Clerk

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN-**  
*See "Instructions for Service of Process by U.S. Marshal"*

PLAINTIFF ANTHONY E. WHITE	COURT CASE NUMBER 5:13-CV-684-F
DEFENDANT CATERPILLAR, INC.	TYPE OF PROCESS Order, complaint, summons

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
Caterpillar, Inc., Headquarters  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
100 N.E. Adams Street, Peoria, IL 61629

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	3
Anthony E. White 103 Rock River Road Morrisville, NC 27560	Number of parties to be served in this case	2
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold	<b>RECEIVED</b>	Fold
OCT 16 2013		
U.S. Marshals Service, EDNC		

Signature of Attorney other Originator requesting service on behalf of:  
Susan K. Edwards Deputy

PLAINTIFF      TELEPHONE NUMBER      DATE  
 DEFENDANT      910-815-4663      10/7/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY– DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 56	District to Serve No. 56	Signature of Authorized USMS Deputy or Clerk <u>Mary Britt</u>	Date 10-16-13
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

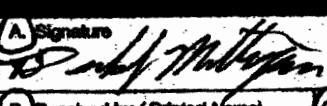
I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	FILED	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	OCT 30 2013	Date 10-24-13
	JULIE A. RICHARDSON, CLERK US DISTRICT COURT, EDNC BY MM DEP CLK	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy <u>Mary Britt</u>		

Service Fee 8 00	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges 8 00	Advance Deposits	Amount owed to U.S. Marshal or Deputy (Amount of Refund) 8 00 -8 00
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REMARKS: 10-16-13: CM 7012 3050 0002 0487 0775

10-24-13: See attached

SENDER	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the envelope or on the front if space permits.</li></ul>	
1. Article Addressed to:  Caterpillar, Inc., Headquarters 100 N.E. Adams Street Peoria, IL 61629	
5:13-CV-684-F	
2. Article Number: (Transfer from service label) 7012 3050 0002 0487 0775	
A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address	
B. Received by (Printed Name) D. Jeff McTague C. Date of Delivery 10-24-13	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 10280-00-14-1000	

## UNITED STATES DISTRICT COURT

Eastern District <sup>for the</sup> of North Carolina  
Western Division

White, Anthony E.

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*Plaintiff(s)*

v.

Civil Action No. 5:13-CV-684-F

Caterpillar Inc.

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*Defendant(s)*

)

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)

Caterpillar Inc.  
954 State Hwy 42  
Clayton, NC 27527

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony E. White  
103 Rock River Road  
Morrisville, NC 27560

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JULIE A. RICHARDS, CLERK

CLERK OF COURT

Date: 10/7/13  
Signature of Clerk or Deputy Clerk

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**U.S. Department of Justice  
United States Marshals Service**

**PROCESS RECEIPT AND RETURN**  
*See "Instructions for Service of Process by U.S. Marshal"*

PLAINTIFF ANTHONY E. WHITE	COURT CASE NUMBER 5:13-CV-684-F
DEFENDANT CATERPILLAR, INC.	TYPE OF PROCESS Order, complaint, summons

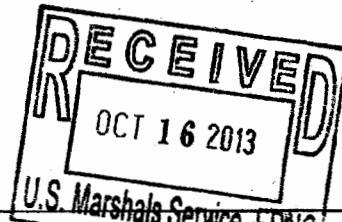
**SERVE** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**AT** Caterpillar, Inc.  
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
 954 State Highway 42, Clayton, NC 27527

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	3
Anthony E. White 103 Rock River Road Morrisville, NC 27560	Number of parties to be served in this case	2
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold

Fold



Signature of Attorney other Originator requesting service on behalf of: <i>Susan X. Edwards Deputy</i>	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER
	<input type="checkbox"/> DEFENDANT	910-815-4663
		10/7/13

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY—DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 56	District to Serve No. 56	Signature of Authorized USMS Deputy or Clerk <i>Mary Britt</i>	Date 10-16-13
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	FILED <i>OCT 30 2013</i>	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)		Date 10-18-13
		Time <input type="checkbox"/> am <input type="checkbox"/> pm
		Signature of U.S. Marshal or Deputy <i>Mary Britt</i>

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS: 10-16-13: CM 7012 3050 0002 0487 0782

10-23-13: See attached

PRINT 5 COPIES

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment

PRIOR EDITIONS MAY BE USED

(2)

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Caterpillar, Inc.  
954 State Highway 42  
Clayton, NC 27527

5:13-CV-684-F

## 2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

7012 3050 0002 0487 0782

Domestic Return Receipt

 Agent  
 Addressee

## A. Signature

## B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

## 4. Restricted Delivery? (Extra Fee)

100-1000-000-1540

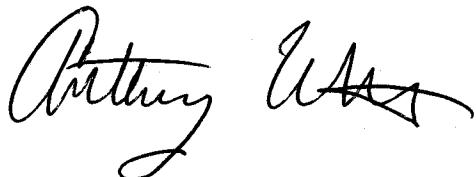
**WHEREFORE**, Plaintiff respectfully request that this honorable court grant judgment by default against the Defendants;

Respectfully submitted this 14 day of April 2014.

ANTHONY E. WHITE

By s/ Anthony E. White  
Anthony E. White  
103 Rock River Road  
Morrisville, North Carolina ,27560

*Pro Se Plaintiff*

A handwritten signature in black ink, appearing to read "Anthony E. White". The signature is fluid and cursive, with "Anthony" on the top line and "E. White" on the bottom line.

Date: April 14, 2014

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

ANTHONY E. WHITE, )  
Plaintiff, )  
v. ) Case No. 5:13-cv-00684-F  
CATERPILLAR LOGISTIC INC. )  
Defendant. )

**CERTIFICATE OF SERVICE**

I certify that on April 14, 2014, I served a true and correct copy of Rule 55 via first class U.S. mail, with adequate postage prepaid, addressed as follows:

**Caterpillar Inc. & Caterpillar Logistics Inc.**

John T. Murray	Christina F. Meddin	John I Mabe
Seyfarth Shaw LLP	Seyfarth Shaw LLP	Nexsen Pruet, PLLC
1075 Peachtree Street, N.E.	1075 Peachtree Street, N.E.	4141 Parklane Ave. Suite 200
Suite 2500	Suite 2500	Raleigh, NC 27612
Atlanta, GA 30309	Atlanta, GA 30309	919 653 7819
404 885 1500	404 885 1500	